

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA *ex rel.*,
GREGORY W. THORPE, *et al.*
Plaintiffs

v.

GLAXOSMITHKLINE PLC, *et al.*
Defendants

CASE NO. 03-10641-NG-RWZ
CASE NO. 11-10398-NG-RWZ

FILED UNDER SEAL

UNOPPOSED MOTION FOR PARTIAL LIFTING OF SEAL

Plaintiffs Gregory W. Thorpe and Blair Hamrick, by their undersigned counsel, hereby move this Court for partial relief from the seal in this False Claims Act case for the reasons set forth below.

Thorpe and Hamrick commenced this case in January 2003 in the United States District Court for the District of Colorado at 03-00008-WYD-BNB. In April 2003, Relators Thomas Gerahty and Matthew Burke filed a factually related False Claims Act case in the United States District Court for the District of Massachusetts at 03-10641-NG. The United States obtained relief from the seal and showed Thorpe and Hamrick's original complaint to Gerahty and Burke, and Gerahty and Burke's first amended complaint to Thorpe and Hamrick. In January 2004, Thorpe and Hamrick entered into a sharing agreement with Gerahty and Burke. Thereafter, counsel in both cases cooperated with each other and with the United States Attorneys' office, and shared subsequent amended complaints with each other.

On October 21, 2009, Thorpe and Hamrick discharged their original qui tam counsel, Keith Cross, Esquire, with whom they had a contingent fee agreement. In 2011, Thorpe and Hamrick's case was transferred from the District of Colorado to the District of Massachusetts and docketed as 11-10398-NG-RWZ. On April 5, 2011, Thorpe and Hamrick's case was administratively consolidated with Gerahty and Burke's case, 03-10641-NG-RWZ. On or about November 2, 2011, GlaxoSmithKline publicly announced an agreement in principle to settle various matters, including the two civil False Claims Act cases mentioned above. Both cases remain under seal at this time, however.

Thorpe and Hamrick's former qui tam counsel, Keith Cross, Esquire, has previously put them on notice of his claim for compensation by filing a notice of attorney's lien in this case on or about November 12, 2009. Thorpe and Hamrick expect that Attorney Cross will seek to enforce the lien against the relator's share expected to be awarded to Thorpe and Hamrick. In order to evaluate Attorney Cross's claim for compensation, Thorpe and Hamrick desire to consult with experts. Thorpe and Hamrick anticipate that the experts will need to review materials which are currently under seal or contain or refer to materials that are under seal. Those materials include, but are not necessarily limited to: (a) the docket in the District of Colorado case, (b) Attorney Cross's entire case file, including whatever False Claims Act complaints and amended complaints are contained in Attorney Cross's file, whether filed in the District of Colorado or the District of Massachusetts, and (c) and the various complaints and amended complaints at Case Nos. 11-10398 and 03-10641.

For the foregoing reasons, Thorpe and Hamrick request partial relief from the seal for the limited purpose of sharing with experts such materials as the experts may require for purposes of evaluating Attorney Cross's claim for compensation. The sooner such review can begin, the more likely it is that the matter of Attorney Cross's claim for compensation can be resolved without delaying the ultimate distribution of the relator's share in this case.

Plaintiffs propose that any experts retained by undersigned counsel shall be required to execute an acknowledgement, in the form attached hereto as Exhibit "A," that they are aware of the seal in this case and agree to be bound by it and any orders issued by the Court with respect to the seal prior to being given copies of any materials or information subject to the seal.

Undersigned counsel has conferred with Assistant United States Attorney Sara Bloom, who is in charge of the investigation of the claims in this case on behalf of the United States. Ms. Bloom has stated the United States has no objection to the limited lifting of the seal in this matter for the purposes described herein.

Undersigned counsel has also conferred with counsel for Attorney Cross, Pamela Mackey, Esquire, regarding this motion. Ms. Mackey has advised that Attorney Cross has no objection to this motion and that he requests the same relief as Thorpe and Hamrick.

Finally, undersigned counsel has conferred with counsel for Relators Gerahty and Burke, Ericka Kelton, Esquire. Ms. Kelton has advised that Gerahty and Burke have no objection to this motion.

THEREFORE, Plaintiffs respectfully request that this Court:

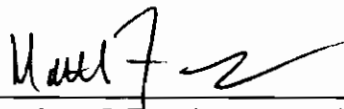
1. Order that the seal in this case be partially lifted to allow experts for Gregory Thorpe and Blair Hamrick and for Keith Cross to review the docket, and Attorney Cross's case file in this case, and the various complaints and amended complaints at Case Nos. **11-10398 and 03-10641**, for purposes of evaluating Attorney Cross's claim against Thorpe and Hamrick for compensation;

2. Order that any experts who will review the docket and Attorney Cross's case file and the complaints must execute the acknowledgement attached hereto as Exhibit "A," whereby they agree to keep the existence of Case Nos. **11-10398 and 03-10641** and the contents of the information shown to them confidential and to otherwise abide by the seal on this case pursuant to 30 U.S.C. §3730;

3. Order Thorpe and Hamrick to serve a copy of this motion on counsel for Attorney Cross and counsel for Gerahty and Burke.

3. Order that this Motion, the proposed Order, and all other documents filed in the above-captioned case shall remain sealed pursuant to 31 U.S.C. §3730.

Respectfully submitted,



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